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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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SEAN N. WARAICH,

Plaintiff,

-against-

NATIONAL AUSTRALIA BANK LTD., ET AL.,

Defendants.
----- X

21-CV-5220 (ALC)

ORDER

ANDREW L. CARTER, JR., United States District Judge:

The Court is in receipt of Defendant National Australia Bank Ltd.'s (hereinafter, "NAB") letters regarding their requests for pre-motion conferences in connection with their anticipated motions to dismiss and for sanctions. ECF Nos. 16, 21. The Court is also in receipt of Plaintiff's letters responding to Defendant NAB's request for pre-motion conference in connection with their anticipated motion to dismiss and Plaintiff's purported Memorandum of Law in Support of Plaintiff's Filing for Order of Restitution; Motion to Deny & Strike Defendant NAB's Motion for Sanctions; Motion to Deny Dismissal; and Request for Punitive Damages as well as Defendant NAB's response ECF No. 17-20.

After review of all the submissions, the Court hereby **ORDERS**:

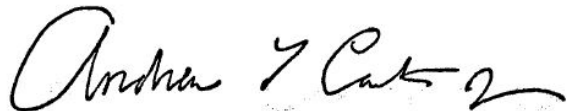
- Defendant NAB's request for a pre-motion conference in connection with their anticipated motion to dismiss is hereby **DENIED**. However, Defendant NAB is hereby **GRANTED** leave to file a motion to dismiss Plaintiff's Complaint on jurisdictional grounds only in accordance with the following schedule:
 - Defendant NAB's Opening Brief: September 8, 2021
 - Plaintiff's Opposition Brief: September 22, 2021
 - Defendant NAB's Reply Brief: September 29, 2021

- Plaintiff's requests as to restitution, denial and striking of Defendant NAB's motion for sanctions and request for punitive damages are **DENIED**. As Defendant NAB notes in their response, the motion for sanctions is not yet before the Court. Further, before the Court can determine whether restitution and punitive damages are proper in this case, the Court must decide the jurisdictional issues raised by Defendant NAB.
- Defendant NAB's request for pre-motion conference in connection with their anticipated motion for sanctions and leave to file the same are **DENIED** without prejudice to renew once Defendant NAB's motion to dismiss has been decided.

Defendant NAB is also hereby **ORDERED** to serve Plaintiff with the instant order and file proof of service by no later than August 23, 2021.

SO ORDERED.

Dated: **August 18, 2021**
 New York, New York

A handwritten signature in black ink, appearing to read "Andrew L. Carter, Jr.", written in a cursive style.

ANDREW L. CARTER, JR.
United States District Judge